

## **REMARKS**

This is in response to the Office Action dated November 5, 2009. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above, claims 1 and 5 are amended; and claims 11-14 are newly presented. Thus, claims 1-14 are currently pending in the present application.

In the previous Office Action, claims 1-4 are rejected over the prior art, and claims 5-10 are allowed. In the present response, claim 1 has been amended to clearly distinguish over the prior art and claim 5 has been amended to recite that the pushing mechanism includes “a rail” for supporting the lowermost package as it is pushed out in the horizontal pushing direction. Claim 5 previously recited a “pair of rails” which does not appear to be necessary for the patentability of the claim because “rails” are recited in rejected claim 1. Further, claim 11 is similar to claim 5 but recites a case (as opposed to an upper case and a lower case). Accordingly, claim 11 is allowable over the prior art of record. Note that claims 12-14 depend from claim 11, and are therefore allowable at least by virtue of their dependencies.

### **Rejection of Claims 1-4**

On pages 3-4 of the Office Action, claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Hanley et al. (U.S. Patent No. 4,133,421). It is submitted that the present invention, as embodied by amended claim 1, now clearly distinguishes over the newly discovered Hanley patent.

**Hanley** discloses a coin operated packet dispensing machine for vending and dispensing generally flat semi-rigid packets contained in vertical column packet magazines 27-30. In the explanation of the rejection, the Examiner takes the position that the “corrugated or saw-toothed vertical packet guide 41” of Hanley corresponds to the guide member recited in claim 1 of the

present invention. However, the coin operated packet dispensing machine of Hanley is different, in the following points, from the present invention.

(1) The packet of Hanley et al. has a thin sealed edge in the middle of the outer circumference while each of the drug packages of the present invention has a flange at an upper side of the package.

(2) The guide 41 of Hanley et al. is a “corrugated or saw-toothed vertical packet guide” and is configured so that as the packet descends, the teeth of the packet guide engages the sealed edge of the packet with the result that each packet tends to remain generally horizontal in spite of the much thicker central portion of the packets (see col. 3, lines 27-35).

As clearly shown in Fig. 8, the guide 41 of the Hanley apparatus supports the rear sealed edge of the packet but does not support the side edges extending in the pushing direction. In contrast, the guide member of the present invention supports the flange(s) that extends in the pushing direction of the drug package.

(3) The guide 41 of Hanley supports the sealed edge of the second packet when the lowermost packet is dispensed but does not support the sealed edge of the lowermost packet. In contrast, the guide member of the present invention supports and guides, not only the flange of the second drug package, but also the flange of the lowermost drug package when the lowermost drug package is being pushed out as clearly shown in Figs. 8(a)-(b).

Claim 1 of the present invention requires, *inter alia*:

a guide member immovably fixed on an inner surface of a side wall of the drug case separately from the pushing mechanism for supporting and guiding the flanges, which extend in a pushing direction of the pushing mechanism, of both the second drug package as it descends when the lowermost drug package is being pushed out and the lowermost drug package, the guide member being provided in a pushing direction of the pushing mechanism.

In the present invention, even if the second drug package, of which the rear bottom corner portion drops on the rail, receives the weight of the third drug package, the rear flange of the second drug package is supported by the guide member (see Figs. 8(a)-(b)). Therefore, it is possible to prevent the second drug package from remaining in a state in which the front flange rises up as shown in Fig. 9(b).

Also, even if the lowermost drug package, as it is being pushed out, receives the weight of the second drug package, the rear flange of the lowermost drug package is supported by the guide member. Therefore, it is possible to prevent the front flange, in the pushing direction of the drug package, from rising up due to impact and interrupting the dispensing operation.

Clearly, the Hanley dispenser is different in structure and operation from the present invention as set forth in claim 1, and thus claim 1 is not anticipated by nor rendered obvious by the Hanley reference.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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February 5, 2010